The Shift in the Perception of Multiculturalism at the United Nations since 1945

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Introduction

Representatives of the 51 nations, which signed the UN Charter on 24 October 1945, agreed, in the preambular paragraphs, to include references to saving succeeding generations from the scourge of war and to practising tolerance.

It was implicitly recognized that the Second World War was a total denial of multiculturalism and that a re-evaluation of human values was a *sine qua non* if the human race were to make progress in the heterogeneous world of today. It is also the main reason why in article 1(3) of the Charter and many subsequent human rights instruments a so-called non-discrimination clause was inserted.1

However, the growing tendency of the recognition of the universality of international law has been challenged by the very concept of multiculturalism.

As Professor Prosper Weil cogently pointed out in his General Course on public international law in 1992, “how could one conceive a normative unique *corpus* of law capable of governing a growing number of multicultural states which constitute the international community?”2

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In order to minimize this challenge to the universality of international law, scholars started to emphasize that the differences in culture were less important than the existence of a common cultural and legal basis, coined by Wilfred Jenks as the Common Law of Mankind.\(^3\)

Indeed, multiculturalism and cultural diversity are the “raison d’être” for the existence of international law, because without cultural diversity there is no need for international law.

These ideas were also defended by Prof. Arangio-Ruiz in his course on the Normative Role of the UN General Assembly and the Declaration of Principles of Friendly Relations in 1972,\(^4\) Prof. Tomuschat in his General Course on Public International Law in 1999\(^5\) and the former President of the Inter-American Court of Human Rights, Judge Cançado Trindade in his General Course on Public International Law in 2005.\(^6\)

In some academic circles multiculturalism is conceived as a systematic and comprehensive response to cultural and ethnic diversity; in that sense multiculturalism is inclusive and cultural and ethnic diversity exclusive. In the words of the famous anthropologist Claude Lévi-Strauss, “the diversity of cultures is behind us, before us and all around us. The only demand we can make of it is that it takes forms that each one contributes to the utmost generosity of other people.”

This is also the position of UNESCO, which produced a background paper for the 1995 Global Cultural Diversity Conference in Australia.\(^7\)

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7 Multiculturalism: A Policy Response to Diversity (www.unesco.org/syd paper.htm).